

IC 31-34

ARTICLE 34. JUVENILE LAW: CHILDREN IN NEED OF SERVICES

IC 31-34-1

Chapter 1. Circumstances Under Which a Child Is a Child in Need of Services

IC 31-34-1-1

Sec. 1. A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision; and
- (2) the child needs care, treatment, or rehabilitation that the child:
 - (A) is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-2

Sec. 2. (a) A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child's physical or mental health is seriously endangered due to injury by the act or omission of the child's parent, guardian, or custodian; and
- (2) the child needs care, treatment, or rehabilitation that the child:
 - (A) is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) Evidence that the illegal manufacture of a drug or controlled substance is occurring on property where a child resides creates a rebuttable presumption that the child's physical or mental health is seriously endangered.

As added by P.L.1-1997, SEC.17. Amended by P.L.17-2001, SEC.8.

IC 31-34-1-3

Sec. 3. A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child is the victim of a sex offense under:
 - (A) IC 35-42-4-1;
 - (B) IC 35-42-4-2;
 - (C) IC 35-42-4-3;
 - (D) IC 35-42-4-4;
 - (E) IC 35-42-4-7;
 - (F) IC 35-42-4-9;
 - (G) IC 35-45-4-1;
 - (H) IC 35-45-4-2; or
 - (I) IC 35-46-1-3; and

- (2) the child needs care, treatment, or rehabilitation that the child:
 - (A) is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-4

Sec. 4. A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child's parent, guardian, or custodian allows the child to participate in an obscene performance (as defined by IC 35-49-2-2 or IC 35-49-3-2); and
- (2) the child needs care, treatment, or rehabilitation that the child:
 - (A) is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-5

Sec. 5. A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child's parent, guardian, or custodian allows the child to commit a sex offense prohibited by IC 35-45-4; and
- (2) the child needs care, treatment, or rehabilitation that the child:
 - (A) is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-6

Sec. 6. A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child substantially endangers the child's own health or the health of another individual; and
- (2) the child needs care, treatment, or rehabilitation that the child:
 - (A) is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-7

Sec. 7. A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child's parent, guardian, or custodian fails to participate in a disciplinary proceeding in connection with the student's improper behavior, as provided for by IC 20-8.1-5.1-19, if the behavior of the student has been repeatedly disruptive in the school; and
- (2) the child needs care, treatment, or rehabilitation that the child:
 - (A) is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive

intervention of the court.
As added by P.L.1-1997, SEC.17.

IC 31-34-1-8

Sec. 8. A child is a child in need of services if before the child becomes eighteen (18) years of age:

- (1) the child is a missing child (as defined in IC 10-1-7-2); and
- (2) the child needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-9

Sec. 9. A child in need of services under section 1, 2, 3, 4, 5, 6, 7, or 8 of this chapter includes a child with a disability who:

- (1) is deprived of nutrition that is necessary to sustain life; or
- (2) is deprived of medical or surgical intervention that is necessary to remedy or ameliorate a life threatening medical condition;

if the nutrition or medical or surgical intervention is generally provided to similarly situated children with or without disabilities.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-10

Sec. 10. Except as provided in sections 12 and 13 of this chapter, a child is a child in need of services if:

- (1) the child is born with:
 - (A) fetal alcohol syndrome; or
 - (B) any amount, including a trace amount, of a controlled substance or a legend drug in the child's body; and
- (2) the child needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; or
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-11

YAMD.1997

Sec. 11. Except as provided in sections 12 and 13 of this chapter, a child is a child in need of services if:

- (1) the child:
 - (A) has an injury;
 - (B) has abnormal physical or psychological development; or
 - (C) is at a substantial risk of a life threatening condition;that arises or is substantially aggravated because the child's mother used alcohol, a controlled substance, or a legend drug during pregnancy; and
- (2) the child needs care, treatment, or rehabilitation that the child:
 - (A) is not receiving; or

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-12

Sec. 12. A child is not a child in need of services under section 10 or 11 of this chapter if:

- (1) a drug detected in the body of the child under section 10(1) of this chapter or the condition described in section 11(1) of this chapter was caused by a legend drug; and
- (2) during pregnancy the child's mother:
 - (A) possessed a valid prescription for the legend drug;
 - (B) was not in violation of IC 16-42-19 (the Indiana legend drug act); and
 - (C) made a good faith attempt to use the legend drug according to the prescription instructions.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-13

Sec. 13. A child is not a child in need of services under section 10 or 11 of this chapter if:

- (1) a drug detected in the body of the child under section 10(1) of this chapter or the condition described in section 11(1) of this chapter was caused by a controlled substance; and
- (2) during pregnancy the child's mother:
 - (A) possessed a valid prescription for the controlled substance; and
 - (B) made a good faith attempt to use the controlled substance according to the prescription instructions.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-14

Sec. 14. If a parent, guardian, or custodian fails to provide specific medical treatment for a child because of the legitimate and genuine practice of the religious beliefs of the parent, guardian, or custodian, a rebuttable presumption arises that the child is not a child in need of services because of the failure. However, this presumption does not do any of the following:

- (1) Prevent a juvenile court from ordering, when the health of a child requires, medical services from a physician licensed to practice medicine in Indiana.
- (2) Apply to situations in which the life or health of a child is in serious danger.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-15

Sec. 15. This chapter does not do any of the following:

- (1) Limit the right of a parent, guardian, or custodian of a child to use reasonable corporal punishment when disciplining the child.
- (2) Limit the lawful practice or teaching of religious beliefs.

As added by P.L.1-1997, SEC.17.

IC 31-34-1-16

Sec. 16. (a) The division of family and children may not:

- (1) initiate a court proceeding to:
 - (A) terminate the parental rights concerning; or
 - (B) transfer legal custody of; or
- (2) require a parent, guardian, or custodian to consent to:
 - (A) the termination of parental rights; or
 - (B) transfer of legal custody of;

a child with an emotional, a behavioral, or a mental disorder or a developmental or physical disability who is voluntarily placed out of the home for the purpose of obtaining special treatment or care, solely because the parent, guardian, or custodian is unable to provide the treatment or care. Relinquishment of custody of a child described in this subsection may not be made a condition for receipt of services or care delivered or funded by the division of family and children.

(b) When a child described in subsection (a) is voluntarily placed out of the home to receive special treatment or care, the division of family and children and the parent, guardian, or custodian of the child may execute a voluntary placement agreement that includes the following:

- (1) A statement that, by entering into a voluntary placement agreement, the parent, guardian, or custodian of the child is not transferring legal custody of the child to the division of family and children.
- (2) A statement specifying the legal status of the child.
- (3) A statement specifying the rights and obligations of the parent, guardian, or custodian.

As added by P.L.282-2001, SEC.3.

IC 31-34-2

Chapter 2. Taking a Child in Need of Services Into Custody

IC 31-34-2-1

Sec. 1. A child may be taken into custody by a law enforcement officer under an order of the court.

As added by P.L.1-1997, SEC.17.

IC 31-34-2-2

Sec. 2. (a) A law enforcement officer may take a person into custody if the law enforcement officer has probable cause to believe that the person is the alleged perpetrator of an act against a child who the law enforcement officer believes to be a child in need of services as a result of the alleged perpetrator's act. The law enforcement officer may take the alleged perpetrator into custody under this section only for the purpose of removing the alleged perpetrator from the residence where the child believed to be in need of services resides.

(b) The law enforcement officer shall immediately contact the attorney for the county department or another authorized person for the purpose of initiating a protective order under IC 31-34-17 that will require the alleged perpetrator to refrain from having direct or indirect contact with the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-2-3

Sec. 3. (a) If a law enforcement officer's action under section 2 of this chapter will not adequately protect the safety of the child, the child may be taken into custody by a law enforcement officer, probation officer, or caseworker acting with probable cause to believe the child is a child in need of services if:

- (1) it appears that the child's physical or mental condition will be seriously impaired or seriously endangered if the child is not immediately taken into custody;
- (2) there is not a reasonable opportunity to obtain an order of the court; and
- (3) consideration for the safety of the child precludes the immediate use of family services to prevent removal of the child.

(b) A probation officer or caseworker may take a child into custody only if the circumstances make it impracticable to obtain assistance from a law enforcement officer.

(c) If a person takes a child into custody under this section, the person shall make written documentation not more than twenty-four (24) hours after the child is taken into custody as provided in section 6 of this chapter.

As added by P.L.1-1997, SEC.17.

IC 31-34-2-4

Sec. 4. A child may be taken into custody by:

- (1) a law enforcement officer;
- (2) a probation officer; or
- (3) a caseworker;

acting with probable cause to believe the child is a child in need of services because the child is a missing child (as defined in IC 10-1-7-2).

As added by P.L.1-1997, SEC.17.

IC 31-34-2-5

Sec. 5. If a child in need of services is a missing child and is taken into custody under a court order, the person taking the child into custody shall do the following:

- (1) Take the child to a place designated in the order.
- (2) Give notice to the following that the child has been taken into custody:
 - (A) The child's legal custodian.
 - (B) The clearinghouse for information on missing children established by IC 10-1-7.

As added by P.L.1-1997, SEC.17.

IC 31-34-2-6

Sec. 6. (a) A person taking a child into custody under section 3 of this chapter shall make written documentation evidencing the following:

- (1) The facts establishing probable cause to believe that the child is a child in need of services.
- (2) Why the child's physical or mental condition will be seriously impaired or seriously endangered if the child is not immediately taken into custody.
- (3) Why the person is unable to obtain a court order and what steps have been taken to obtain a court order.
- (4) Why the local child protection service is unable to protect the safety of the child without taking the child into custody.
- (5) Why the person is unable to obtain the assistance of a law enforcement officer if the child is taken into custody by a probation officer or caseworker without the assistance of a law enforcement officer.

(b) The division shall create forms to be used for documentation under this section.

(c) The person taking the child into custody shall immediately forward a copy of the documentation to the local child protection service to be included in the report required by IC 31-33-7-4.

As added by P.L.1-1997, SEC.17.

IC 31-34-2.5

Chapter 2.5. Emergency Custody of Certain Abandoned Children

IC 31-34-2.5-1

Sec. 1. (a) An emergency medical services provider shall, without a court order, take custody of a child who is, or who appears to be, not more than forty-five (45) days of age if:

- (1) the child is voluntarily left with the provider by the child's parent; and
- (2) the parent does not express an intent to return for the child.

(b) An emergency medical services provider who takes custody of a child under this section shall perform any act necessary to protect the child's physical health or safety.

(c) Any person who in good faith voluntarily leaves a child with an emergency medical services provider is not obligated to disclose the parent's name or their name.

As added by P.L.133-2000, SEC.3. Amended by P.L.217-2001, SEC.5.

IC 31-34-2.5-2

Sec. 2. (a) Immediately after an emergency medical services provider takes custody of a child under section 1 of this chapter, the provider shall notify the local child protection service that the provider has taken custody of the child.

(b) The local child protection service shall:

- (1) assume the care, control, and custody of the child immediately after receiving notice under subsection (a); and
- (2) not later than forty-eight (48) hours after the local child protection service has taken custody of the child, contact the Indiana clearinghouse for information on missing children established by IC 10-1-7-3 to determine if the child has been reported missing.

As added by P.L.133-2000, SEC.3. Amended by P.L.217-2001, SEC.6.

IC 31-34-2.5-3

Sec. 3. A child for whom the local child protection service assumes care, control, and custody under section 2 of this chapter shall be treated as a child taken into custody without a court order, except that efforts to locate the child's parents or reunify the child's family are not necessary, if the court makes a finding to that effect under IC 31-34-21-5.6(b)(5).

As added by P.L.133-2000, SEC.3.

IC 31-34-2.5-4

YAMD.2000

Sec. 4. Whenever a child is taken into custody without a court order under this chapter, the attorney for the county office of family and children shall, without unnecessary delay, request the juvenile court to:

- (1) authorize the filing of a petition alleging that the child is a child in need of services;

(2) hold an initial hearing under IC 31-34-10 not later than the next business day after the child is taken into custody; and

(3) appoint a guardian ad litem for the child.

As added by P.L.133-2000, SEC.3.

IC 31-34-3

Chapter 3. Child Taken Into Custody

IC 31-34-3-1

Sec. 1. If a child is taken into custody under IC 31-34-2, the local child protection service shall notify the child's custodial parent, guardian, or custodian not more than two (2) hours after the child has been taken into custody that the child has been taken into custody as the result of alleged child abuse or neglect.

As added by P.L.1-1997, SEC.17.

IC 31-34-3-2

Sec. 2. Subject to section 3 of this chapter, if after making a reasonable effort the child's custodial parent, guardian, or custodian cannot be located, the child protection service shall make a good faith effort, not more than six (6) hours after the child has been taken into custody, to leave written notice at the last known address of the child's custodial parent, guardian, or custodian that the child has been taken into custody.

As added by P.L.1-1997, SEC.17.

IC 31-34-3-3

Sec. 3. If the custodial parent, guardian, or custodian is believed to reside outside of Indiana, the local child protection service shall send written notice by certified mail to the last known address of the noncustodial parent, guardian, or custodian on the same date that the child is taken into custody. However, if the child is not taken into custody on a business day, the child protection service shall send notice by certified mail on the next business day after the child is taken into custody.

As added by P.L.1-1997, SEC.17.

IC 31-34-3-4

Sec. 4. The notice required by this chapter must:

- (1) identify a person or an entity that the parent, guardian, or custodian may contact to obtain more information regarding the child's removal from the child's residence; and
- (2) be given to each of the child's parents as described in sections 1 through 3 of this chapter.

As added by P.L.1-1997, SEC.17.

IC 31-34-3-5

Sec. 5. The local child protection service must have as the service's first priority the immediate needs of the child for medical care, shelter, food, or other crisis services.

As added by P.L.1-1997, SEC.17.

IC 31-34-4

Chapter 4. Temporary Placement of Child Taken Into Custody

IC 31-34-4-1

Sec. 1. This chapter applies only to a child alleged to be a child in need of services.

As added by P.L.1-1997, SEC.17.

IC 31-34-4-2

Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter, the court shall consider placing the child with a suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering any other out-of-home placement.

(b) Before placing a child in need of services with a blood relative or an adoptive relative caretaker, the court may order the division of family and children to:

- (1) complete a home study of the relative's home; and
- (2) provide the court with a placement recommendation.

As added by P.L.1-1997, SEC.17.

IC 31-34-4-3

Sec. 3. If a child is taken into custody under an order of the court, the law enforcement officer shall take the child to a place designated in the order to await a detention hearing.

As added by P.L.1-1997, SEC.17.

IC 31-34-4-4

Sec. 4. If a child is taken into custody without an order of the court, the person taking the child into custody:

- (1) may:
 - (A) release the child; or
 - (B) deliver the child to a place designated by the juvenile court; and
- (2) if the child is detained, shall promptly notify the child's parent, guardian, or custodian and an intake officer:
 - (A) that the child is being held; and
 - (B) of the reasons for the child's detention.

As added by P.L.1-1997, SEC.17.

IC 31-34-4-5

Sec. 5. If the child was not taken into custody under an order of the court, the intake officer shall investigate the reasons for the child's detention. The intake officer shall release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified. However, the intake officer may place the child in detention if the intake officer reasonably believes that the child is a child in need of services and that:

- (1) detention is necessary to protect the child;
- (2) the child is unlikely to appear before the juvenile court for

subsequent proceedings;

(3) the child has a reasonable basis for requesting that the child not be released; or

(4) the parent, guardian, or custodian:

(A) cannot be located; or

(B) is unable or unwilling to take custody of the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-4-6

Sec. 6. (a) The county office of family and children shall submit written information to a parent, custodian, or guardian of a child who is alleged to be abused or neglected regarding the following legal rights of the parent, custodian, or guardian:

(1) The right to have a detention hearing held by a court within forty-eight (48) hours after the child's removal from the home and to request return of the child at the hearing.

(2) The right to:

(A) be represented by an attorney;

(B) cross examine witnesses; and

(C) present evidence on the parent's, custodian's, or guardian's own behalf;

at each court proceeding on a petition alleging that the child is a child in need of services. The parent, guardian, or custodian has the right to be represented by a court appointed attorney under clause (A) upon the request of the parent, guardian, or custodian if the court finds that the parent, guardian, or custodian does not have sufficient financial means for obtaining representation as described in IC 34-1-1-3.

(3) The right not to make statements that incriminate the parent, custodian, or guardian and that an incriminating statement may be used during a court proceeding on a petition alleging that the child is a child in need of services.

(4) The right to request to have the case reviewed by the child protection team under IC 31-33-3-6.

(5) The right to be advised that after July 1, 1999, a petition to terminate the parent-child relationship must be filed whenever a child has been removed from the child's parent and has been under the supervision of the county office of family and children for at least fifteen (15) months of the most recent twenty-two (22) months.

(b) The county office of family and children shall submit the written information under subsection (a) to the child's parent, guardian, or custodian at the time:

(1) the child is taken into custody; or

(2) the county office of family and children files a petition alleging that the child is a child in need of services;

whichever occurs earlier.

As added by P.L.1-1997, SEC.17. Amended by P.L.35-1998, SEC.5.

IC 31-34-5

Chapter 5. Detention Hearing

IC 31-34-5-1

Sec. 1. If a child taken into custody under IC 31-34-2 is not released, a detention hearing shall be held not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, after the child is taken into custody. If the detention hearing is not held, the child shall be released. Notice of the time, place, and purpose of the detention hearing shall be given to the following:

- (1) The child.
- (2) The child's parent, guardian, or custodian if the person can be located.

As added by P.L.1-1997, SEC.17. Amended by P.L.35-1998, SEC.6.

IC 31-34-5-1.5

Sec. 1.5. (a) This section applies to a child taken into custody under IC 31-34-2.5.

(b) The juvenile court shall hold a detention hearing after an emergency medical services provider takes custody of a child under IC 31-34-2.5. The court shall hold the detention hearing not later than forty-eight (48) hours after the emergency medical services provider takes the child into custody, excluding Saturdays, Sundays, and legal holidays.

(c) The county office of family and children may notify the emergency medical services provider that has taken emergency custody of a child under IC 31-34-2.5 of the detention hearing. The emergency medical services provider may be heard at the detention hearing.

As added by P.L.217-2001, SEC.7.

IC 31-34-5-2

Sec. 2. If a child has been removed from the child's parent, guardian, or custodian under IC 31-34-2-3 or IC 31-34-2-4, then, in accordance with federal law, at the detention hearing the court shall make written findings and conclusions that state the following:

- (1) Whether removal of the child authorized by IC 31-34-2-3 or IC 31-34-2-4 was necessary to protect the child.
- (2) A description of the family services available before removal of the child.
- (3) Efforts made to provide family services before removal of the child.
- (4) Why the efforts made to provide family services did not prevent removal of the child.
- (5) Whether the efforts made to prevent removal of the child were reasonable.

As added by P.L.1-1997, SEC.17.

IC 31-34-5-3

Sec. 3. The juvenile court shall release the child to the child's parent, guardian, or custodian. However, the court may order the child detained if the court makes written findings of fact upon the record of

probable cause to believe that the child is a child in need of services and that:

- (1) detention is necessary to protect the child;
- (2) the child is unlikely to appear before the juvenile court for subsequent proceedings;
- (3) the child has a reasonable basis for requesting that the child not be released;
- (4) the parent, guardian, or custodian:
 - (A) cannot be located; or
 - (B) is unable or unwilling to take custody of the child; or
- (5) consideration for the safety of the child precludes the use of family services to prevent removal of the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-5-4

Sec. 4. Upon the juvenile court's own motion or upon the motion of the person representing the interests of the state, the parent, guardian, or custodian of a child who has been released may be ordered to appear with the child for an additional detention hearing.

As added by P.L.1-1997, SEC.17.

IC 31-34-5-5

Sec. 5. A child detained under section 3 or 4 of this chapter or the child's parent, guardian, or custodian may petition the juvenile court for additional detention hearings.

As added by P.L.1-1997, SEC.17.

IC 31-34-6**Chapter 6. Detention of Alleged Child in Need of Services****IC 31-34-6-1**

Sec. 1. A child alleged to be a child in need of services may not be held in:

- (1) a secure facility; or
- (2) a shelter care facility that houses persons charged with, imprisoned for, or incarcerated for crimes.

As added by P.L.1-1997, SEC.17.

IC 31-34-6-2

Sec. 2. A court shall consider placing a child alleged to be a child in need of services with an appropriate family member of the child before considering any other placement for the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-6-3

Sec. 3. A court may not place a child in:

- (1) a community based correctional facility for children;
- (2) a juvenile detention facility;
- (3) a secure facility;
- (4) a secure private facility; or
- (5) a shelter care facility;

that is located outside the child's county of residence unless placement of the child in a comparable facility with adequate services located in the child's county of residence is unavailable or the child's county of residence does not have an appropriate comparable facility with adequate services.

As added by P.L.1-1997, SEC.17.

IC 31-34-7

Chapter 7. Information About Children in Need of Services, Investigation, and Preliminary Inquiry

IC 31-34-7-1

Sec. 1. A person may give an intake officer written information indicating that a child is a child in need of services. If the intake officer has reason to believe that the child is a child in need of services, the intake officer shall make a preliminary inquiry to determine whether the interests of the child require further action. Whenever practicable, the preliminary inquiry should include information on the child's background, current status, and school performance.

As added by P.L.1-1997, SEC.17.

IC 31-34-7-2

Sec. 2. The intake officer shall send to the prosecuting attorney or the attorney for the county office of family and children a copy of the preliminary inquiry. The intake officer shall recommend whether to:

- (1) file a petition;
- (2) informally adjust the case;
- (3) refer the child to another agency; or
- (4) dismiss the case.

As added by P.L.1-1997, SEC.17.

IC 31-34-7-3

Sec. 3. The person representing the interests of the state and receiving the preliminary inquiry and recommendations shall decide whether to request authorization to file a petition. This decision is final only as to the office of the person making the decision.

As added by P.L.1-1997, SEC.17.

IC 31-34-7-4

Sec. 4. A person who is accused of committing child abuse or neglect is entitled under IC 31-33-18-2(14) to access to a report relevant to an alleged accusation.

As added by P.L.1-1997, SEC.17.

IC 31-34-8

Chapter 8. Program of Informal Adjustment

IC 31-34-8-1

Sec. 1. After the preliminary inquiry and upon approval by the juvenile court, the intake officer may implement a program of informal adjustment if the officer has probable cause to believe that the child is a child in need of services.

As added by P.L.1-1997, SEC.17.

IC 31-34-8-2

Sec. 2. The child and the child's parent, guardian, custodian, or attorney must consent to a program of informal adjustment.

As added by P.L.1-1997, SEC.17.

IC 31-34-8-3

Sec. 3. (a) Upon the filing of a petition for compliance and after notice and a hearing on the petition for compliance, the juvenile court may order the parent, guardian, or custodian of a child to participate in a program of informal adjustment approved by the court under section 1 of this chapter.

(b) A parent, guardian, or custodian who fails to participate in a program of informal adjustment ordered by the court may be found in contempt of court.

As added by P.L.1-1997, SEC.17.

IC 31-34-8-4

Sec. 4. (a) The advisement required by this section applies only to a person who:

(1) is named as being responsible for child abuse or neglect as the result of a substantiated report; and

(2) agrees to participate in a program of informal adjustment under this chapter.

(b) Before the person signs an agreement to participate in a program of informal adjustment, the local child protection service shall advise the person, orally and in writing, of the extent to which information contained in the substantiated report must be entered into the child abuse registry under IC 31-33-17 if the court approves the informal adjustment under section 1 of this chapter.

As added by P.L.1-1997, SEC.17.

IC 31-34-8-5

Sec. 5. Whenever the court approves a program of informal adjustment arising out of a child abuse or neglect report, the local child protection service shall transmit the report to the child abuse registry within five (5) working days as required by IC 31-33-8-13.

As added by P.L.1-1997, SEC.17.

IC 31-34-8-6

Sec. 6. A program of informal adjustment may not exceed six (6) months, except by approval of the juvenile court. The juvenile court

may extend a program of informal adjustment an additional six (6) months.

As added by P.L.1-1997, SEC.17.

IC 31-34-8-7

Sec. 7. (a) Not later than five (5) months after a court approves a program of informal adjustment under this chapter, the local child protection service shall file with the court a report indicating the extent of compliance with the program.

(b) If the court extends the period of the informal adjustment under section 6 of this chapter, the local child protection service shall file a supplemental report not later than eleven (11) months after the court initially approves the program of informal adjustment updating the court on the status of a person's compliance with the program.

As added by P.L.1-1997, SEC.17.

IC 31-34-8-8

Sec. 8. The juvenile court may order each child who participates in a program of informal adjustment or the child's parents to pay an informal adjustment program fee of:

- (1) at least five dollars (\$5); but
- (2) not more than fifteen dollars (\$15);

for each month that the child participates in the program instead of the court cost fees prescribed by IC 33-19-5-3.

As added by P.L.1-1997, SEC.17.

IC 31-34-8-9

Sec. 9. (a) The probation department for the juvenile court shall:

- (1) collect the informal adjustment program fee set by section 8 of this chapter; and
- (2) transfer the collected informal adjustment program fees to the county auditor not later than thirty (30) days after the fees are collected.

(b) The county auditor shall deposit the fees in the county user fee fund established by IC 33-19-8-5.

As added by P.L.1-1997, SEC.17.

IC 31-34-9

Chapter 9. Filing of Petition Alleging That Child is Child In Need of Services

IC 31-34-9-1

Sec. 1. The prosecuting attorney or the attorney for the county office of family and children:

- (1) may request the juvenile court to authorize the filing of a petition alleging that a child is a child in need of services; and
- (2) shall represent the interests of the state at this proceeding and at all subsequent proceedings on the petition.

As added by P.L.1-1997, SEC.17.

IC 31-34-9-2

Sec. 2. The juvenile court shall do the following:

- (1) Consider the preliminary inquiry and the evidence of probable cause that is contained in the report of the preliminary inquiry or an affidavit of probable cause.
- (2) Authorize the filing of a petition if the court finds probable cause to believe that the child is a child in need of services.

As added by P.L.1-1997, SEC.17.

IC 31-34-9-3

Sec. 3. A petition must:

- (1) be verified;
- (2) be entitled "In the Matter of _____, a Child Alleged to be a Child in Need of Services";
- (3) be signed and filed by the person representing the interests of the state; and
- (4) contain the following information:
 - (A) A citation to the provision of the juvenile law that gives the juvenile court jurisdiction in the proceeding.
 - (B) A citation to the provision of the juvenile law that defines a child in need of services.
 - (C) A concise statement of the facts upon which the allegations are based, including the date and location at which the alleged facts occurred.
 - (D) The child's:
 - (i) name;
 - (ii) birth date; and
 - (iii) residence address;if known.
 - (E) The name and residence address of the child's parent, guardian, or custodian if known.
 - (F) The name and title of the person signing the petition.
 - (G) A statement indicating whether the child has been removed from the child's parent, guardian, or custodian, and, if so, a description of the following:
 - (i) Efforts made to provide the child or the child's parent, guardian, or custodian with family services before the removal.

- (ii) Reasons why family services were not provided before the removal of the child if family services were not provided.

As added by P.L.1-1997, SEC.17.

IC 31-34-9-4

Sec. 4. Error in a citation or the omission of a citation is ground for:

- (1) dismissal of the petition; or
- (2) reversal of the adjudication;

only if the error or omission misleads the child or the child's parent, guardian, or custodian to the child's, parent's, guardian's, or custodian's prejudice.

As added by P.L.1-1997, SEC.17.

IC 31-34-9-5

Sec. 5. (a) If a petition is authorized, the person filing may request in writing that the child be taken into custody.

(b) The person must support this request with sworn testimony or affidavit. The court may grant the request if the court makes written findings of fact upon the record that a ground for detention exists under IC 31-34-5-3.

As added by P.L.1-1997, SEC.17.

IC 31-34-9-6

Sec. 6. If the juvenile court grants the request to have the child taken into custody, the court shall proceed under IC 31-34-5-1 and IC 31-34-5-2.

As added by P.L.1-1997, SEC.17.

IC 31-34-9-7

Sec. 7. The:

- (1) child;
- (2) child's parents, guardian, or custodian;
- (3) county office of family and children; and
- (4) guardian ad litem or court appointed special advocate;

are parties to the proceedings described in the juvenile law and have all rights of parties under the Indiana Rules of Trial Procedure.

As added by P.L.1-1997, SEC.17.

IC 31-34-9-8

Sec. 8. Upon motion by the person representing the interests of the state, the juvenile court shall dismiss any petition the person has filed.

As added by P.L.1-1997, SEC.17.

IC 31-34-10

Chapter 10. Initial Hearing on Child in Need of Services Petition and Issuance of Summons

IC 31-34-10-1

Sec. 1. This chapter applies only to a child alleged to be a child in need of services.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-2

Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition.

(b) The juvenile court shall set a time for the initial hearing. A summons shall be issued for the following:

- (1) The child.
- (2) The child's parent, guardian, custodian, or guardian ad litem.
- (3) Any other person necessary for the proceedings.

(c) A copy of the petition must accompany each summons. The clerk shall issue the summons under Rule 4 of the Indiana Rules of Trial Procedure.

As added by P.L.1-1997, SEC.17. Amended by P.L.133-2000, SEC.4; P.L.217-2001, SEC.8.

IC 31-34-10-2.5

(Repealed by P.L.217-2001, SEC.16.)

IC 31-34-10-3

Sec. 3. Before complying with the other requirements of this chapter, the juvenile court shall first determine whether the following conditions make it appropriate to appoint a guardian ad litem or a court appointed special advocate, or both, for the child:

- (1) If the child is alleged to be a child in need of services:
 - (A) under IC 31-34-1-6;
 - (B) under IC 31-34-1-10 or IC 31-34-1-11;
 - (C) due to the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with the necessary medical care; or
 - (D) because the location of both of the child's parents is unknown;

the court shall appoint a guardian ad litem or court appointed special advocate, or both, for the child.

- (2) If the child is alleged to be a child in need of services under:
 - (A) IC 31-34-1-1;
 - (B) IC 31-34-1-2;
 - (C) IC 31-34-1-3;
 - (D) IC 31-34-1-4;
 - (E) IC 31-34-1-5;
 - (F) IC 31-34-1-7; or
 - (G) IC 31-34-1-8;

the court may appoint a guardian ad litem, court appointed special advocate, or both, for the child.

(3) If the parent, guardian, or custodian of a child denies the allegations of a petition under section 6 of this chapter, the court shall appoint a guardian ad litem, court appointed special advocate, or both, for the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-4

Sec. 4. The court shall next inform the child, if the child is at an age of understanding, and the child's parent, guardian, or custodian, if the person is present, of the following:

- (1) The nature of the allegations in the petition.
- (2) The dispositional alternatives available to the court if the child is adjudicated a child in need of services.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-5

Sec. 5. The juvenile court shall inform the parent or guardian of the estate that if the child is adjudicated a child in need of services:

- (1) the parent, guardian, or custodian of the child may be required to participate in a program of care, treatment, or rehabilitation for the child;
- (2) the parent or guardian may be held financially responsible for services provided for the parent, guardian, or child; and
- (3) the parent, guardian, or custodian of the child may controvert the following:
 - (A) Allegations made at the child's dispositional or other hearing concerning the parent's, guardian's, or custodian's participation.
 - (B) Allegations concerning the parent's or guardian's financial responsibility for services that would be provided.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-6

Sec. 6. Except if a petition is filed under IC 31-34-1-6, the juvenile court shall determine whether the parent, guardian, or custodian admits or denies the allegations of the petition. A failure to respond constitutes a denial.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-7

Sec. 7. If a petition alleges that the child is a child in need of services under IC 31-34-1-6, the juvenile court shall determine whether the child admits or denies the allegations. A failure to respond constitutes a denial.

As added by P.L.1-1997, SEC.17.

IC 31-34-10-8

Sec. 8. If the parent, guardian, or custodian admits the allegations under section 6 of this chapter, the juvenile court shall do the following:

- (1) Enter judgment accordingly.

(2) Schedule a dispositional hearing.
As added by P.L.1-1997, SEC.17.

IC 31-34-10-9

Sec. 9. (a) If the allegations of a petition have been admitted, the juvenile court may hold a dispositional hearing immediately after the initial hearing.

(b) If the allegations have been denied, the juvenile court may hold the factfinding hearing immediately after the initial hearing.

(c) The following persons must consent to holding a hearing under subsection (a) or (b) immediately after the initial hearing:

(1) The child if competent to do so.

(2) The child's:

(A) counsel;

(B) guardian ad litem;

(C) court appointed special advocate;

(D) parent;

(E) guardian; or

(F) custodian.

(3) The person representing the interests of the state.

As added by P.L.1-1997, SEC.17.

IC 31-34-11

Chapter 11. Factfinding Hearing on Child in Need of Services Petition

IC 31-34-11-1

Sec. 1. Unless the allegations of a petition have been admitted, the juvenile court shall hold a factfinding hearing.

As added by P.L.1-1997, SEC.17.

IC 31-34-11-2

Sec. 2. If the court finds that a child is a child in need of services, the court shall:

- (1) enter judgment accordingly;
- (2) order a predisposition report; and
- (3) schedule a dispositional hearing.

As added by P.L.1-1997, SEC.17.

IC 31-34-11-3

Sec. 3. If the court finds that a child is not a child in need of services, the court shall discharge the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-11-4

Sec. 4. (a) Except as provided in subsection (b), at the close of all the evidence and before judgment is entered, the court may continue the case for not more than twelve (12) months.

(b) If the child or the child's parent, guardian, or custodian requests that judgment be entered, the judgment shall be entered not later than thirty (30) days after the request is made.

(c) If the child is in a juvenile detention facility, the child shall be released not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, pending the entry of judgment. A child released from a juvenile detention facility pending the entry of judgment may be detained in a shelter care facility.

As added by P.L.1-1997, SEC.17. Amended by P.L.35-1998, SEC.7.

IC 31-34-12

Chapter 12. Findings, Presumptions, and Evidence

IC 31-34-12-1

Sec. 1. A finding by a juvenile court that a child committed a delinquent act, or that an adult committed a crime must be based upon proof beyond a reasonable doubt.

As added by P.L.1-1997, SEC.17.

IC 31-34-12-2

Sec. 2. Except as provided in IC 31-35-2-4.5(d), a finding in a proceeding to terminate parental rights must be based upon clear and convincing evidence.

As added by P.L.1-1997, SEC.17. Amended by P.L.35-1998, SEC.8.

IC 31-34-12-3

Sec. 3. A finding not covered by section 1 or 2 of this chapter must be based upon a preponderance of the evidence.

As added by P.L.1-1997, SEC.17.

IC 31-34-12-4

Sec. 4. A rebuttable presumption is raised that the child is a child in need of services because of an act or omission of the child's parent, guardian, or custodian if the state introduces competent evidence of probative value that:

- (1) the child has been injured;
- (2) at the time the child was injured, the parent, guardian, or custodian:
 - (A) had the care, custody, or control of the child; or
 - (B) had legal responsibility for the care, custody, or control of the child; and
- (3) the injury would not ordinarily be sustained except for the act or omission of a parent, guardian, or custodian.

As added by P.L.1-1997, SEC.17.

IC 31-34-12-5

Sec. 5. Evidence that a prior or subsequent act or omission by a parent, guardian, or custodian injured a child is admissible in proceedings alleging that a child is a child in need of services to show the following:

- (1) Intent, guilty knowledge, the absence of mistake or accident, identification, the existence of a common scheme or plan, or other similar purposes.
- (2) A likelihood that the act or omission of the parent, guardian, or custodian is responsible for the child's current injury or condition.

As added by P.L.1-1997, SEC.17.

IC 31-34-12-6

Sec. 6. Neither:

- (1) the physician-patient privilege; nor

(2) the husband-wife privilege;
is grounds for excluding evidence in a proceeding in which the child
is alleged to be a child in need of services.
As added by P.L.1-1997, SEC.17.

IC 31-34-13

Chapter 13. Child Videotape Testimony in Child in Need of Services Proceedings

IC 31-34-13-1

Sec. 1. This chapter applies to an action initiated to determine if a child is a child in need of services under:

- (1) IC 31-34-1-1 through IC 31-34-1-6;
- (2) IC 31-34-1-10; or
- (3) IC 31-34-1-11.

As added by P.L.1-1997, SEC.17.

IC 31-34-13-2

Sec. 2. A statement or videotape that:

- (1) is made by a child who at the time of the statement or videotape:

- (A) is less than fourteen (14) years of age; or
- (B) is at least fourteen (14) years of age but less than eighteen (18) years of age and has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:

- (i) is likely to continue indefinitely;
- (ii) constitutes a substantial disability to the child's ability to function normally in society; and
- (iii) reflects the child's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated;

- (2) concerns an act that is a material element in determining whether a child is a child in need of services;
- (3) is not otherwise admissible in evidence under statute or court rule;

is admissible in evidence in an action described in section 1 of this chapter if the requirements of section 3 of this chapter are met.

As added by P.L.1-1997, SEC.17.

IC 31-34-13-3

Sec. 3. A statement or videotape described in section 2 of this chapter is admissible in evidence in an action to determine whether a child or a whole or half blood sibling of the child is a child in need of services if, after notice to the parties of a hearing and of their right to be present:

- (1) the court finds that the time, content, and circumstances of the statement or videotape and any other evidence provide sufficient indications of reliability; and

- (2) the child:

- (A) testifies at the proceeding to determine whether the child or a whole or half blood sibling of the child is a child in need of services;

- (B) was available for face-to-face cross-examination when the statement or videotape was made; or

(C) is found by the court to be unavailable as a witness because:

- (i) a psychiatrist, physician, or psychologist has certified that the child's participation in the proceeding creates a substantial likelihood of emotional or mental harm to the child;
- (ii) a physician has certified that the child cannot participate in the proceeding for medical reasons; or
- (iii) the court has determined that the child is incapable of understanding the nature and obligation of an oath.

As added by P.L.1-1997, SEC.17.

IC 31-34-13-4

Sec. 4. A statement or videotape may not be admitted in evidence under this chapter unless the prosecuting attorney or the attorney for the county office of family and children informs the parties of:

- (1) an intention to introduce the statement or videotape in evidence; and
- (2) the content of the statement or videotape;

at least twenty (20) days before the proceedings to give the parties a fair opportunity to prepare a response to the statement or videotape before the proceeding.

As added by P.L.1-1997, SEC.17.

IC 31-34-14

Chapter 14. Child Testimony by Closed Circuit Television in Child in Need of Services Proceedings

IC 31-34-14-1

Sec. 1. This chapter applies to an action to determine whether a child is a child in need of services under:

- (1) IC 31-34-1-1 through IC 31-34-1-6;
- (2) IC 31-34-1-10; or
- (3) IC 31-34-1-11.

As added by P.L.1-1997, SEC.17.

IC 31-34-14-2

Sec. 2. On the motion of the prosecuting attorney or the attorney for the county office of family and children, the court may order that:

- (1) the testimony of a child be taken in a room other than the courtroom and be transmitted to the courtroom by closed circuit television; and
- (2) the questioning of the child by the parties be transmitted to the child by closed circuit television.

As added by P.L.1-1997, SEC.17.

IC 31-34-14-3

Sec. 3. On the motion of the prosecuting attorney or the attorney for the county office of family and children, the court may order that the testimony of a child be videotaped for use at proceedings to determine whether a child or a whole or half blood sibling of the child is a child in need of services.

As added by P.L.1-1997, SEC.17.

IC 31-34-14-4

Sec. 4. The court may not make an order under section 2 or 3 of this chapter unless:

- (1) the testimony to be taken is the testimony of a child who at the time of the trial is:

- (A) less than fourteen (14) years of age; or
- (B) at least fourteen (14) years of age but less than eighteen (18) years of age and has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:

- (i) is likely to continue indefinitely;
- (ii) constitutes a substantial impairment of the child's ability to function normally in society; and
- (iii) reflects the child's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; and

- (C) found by the court to be a child who should be permitted to testify outside the courtroom because:

- (i) a psychiatrist, physician, or psychologist has certified that the child's testifying in the courtroom creates a substantial

likelihood of emotional or mental harm to the child;
(ii) a physician has certified that the child cannot be present in the courtroom for medical reasons; or
(iii) evidence has been introduced concerning the effect of the child's testifying in the courtroom and the court finds that it is more likely than not that the child's testifying in the courtroom creates a substantial likelihood of emotional or mental harm to the child;

(2) the prosecuting attorney or the attorney for the county office of family and children has informed the parties and their attorneys by written notice of the intention to have the child testify outside the courtroom; and

(3) the prosecuting attorney or the attorney for the county office of family and children informed the parties and their attorneys under subdivision (2) at least twenty (20) days before the proceedings to give the parties and their attorneys a fair opportunity to prepare a response before the proceedings to the motion of the prosecuting attorney or the motion of the attorney for the county office of family and children to permit the child to testify outside the courtroom.

As added by P.L.1-1997, SEC.17.

IC 31-34-14-5

Sec. 5. If the court makes an order under section 2 of this chapter, only the following persons may be in the same room as the child during the child's testimony:

- (1) Persons necessary to operate the closed circuit television equipment.
- (2) Persons whose presence the court finds will contribute to the child's well-being.
- (3) A court bailiff or court representative.

As added by P.L.1-1997, SEC.17.

IC 31-34-14-6

Sec. 6. If the court makes an order under section 3 of this chapter, only the following persons may be in the same room as the child during the child's videotaped testimony:

- (1) The judge.
- (2) The prosecuting attorney or the attorney for the county office of family and children.
- (3) The attorney for each party.
- (4) Persons necessary to operate the electronic equipment.
- (5) The court reporter.
- (6) Persons whose presence the court finds will contribute to the child's well-being.
- (7) The parties, who can observe and hear the testimony of the child without the child being able to observe or hear the parties. However, if a party is not represented by an attorney, the party may question the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-14-7

Sec. 7. If the court makes an order under section 2 or 3 of this chapter, only the following persons may question the child:

- (1) The prosecuting attorney or the attorney for the county office of family and children.
- (2) The attorneys for the parties.
- (3) The judge.

As added by P.L.1-1997, SEC.17.

IC 31-34-15

Chapter 15. Case Plan

IC 31-34-15-1

Sec. 1. In accordance with federal law, a case plan is required for each child in need of services who is under the supervision of the county as a result of:

- (1) out-of-home placement; or
- (2) issuance of a dispositional decree under IC 31-34-20.

As added by P.L.1-1997, SEC.17.

IC 31-34-15-2

Sec. 2. The county office of family and children, after negotiating with the child's parent, guardian, or custodian, shall complete a child's case plan not later than sixty (60) days after:

- (1) the date of the child's first placement; or
- (2) the date of a dispositional decree;

whichever comes first.

As added by P.L.1-1997, SEC.17.

IC 31-34-15-3

Sec. 3. A copy of the completed case plan shall be sent to the child's parent, guardian, or custodian not later than ten (10) days after the plan's completion.

As added by P.L.1-1997, SEC.17.

IC 31-34-15-4

Sec. 4. A child's case plan must be set out in a form prescribed by the division of family and children that meets the specifications set by 45 CFR 1356.21. The case plan must include a description and discussion of the following:

- (1) A permanent plan for the child and an estimated date for achieving the goal of the plan.
- (2) The appropriate placement for the child based on the child's special needs and best interests.
- (3) The least restrictive family-like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is recommended. If an out-of-home placement is appropriate, the county department shall consider whether a child in need of services should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.
- (4) Family services recommended for the child, parent, guardian, or custodian.
- (5) Efforts already made to provide family services to the child, parent, guardian, or custodian.
- (6) Efforts that will be made to provide family services that are ordered by the court.

As added by P.L.1-1997, SEC.17.

IC 31-34-15-5

Sec. 5. Each foster parent of a child and the county office of family and children shall cooperate in the development of the case plan for the child. The county office of family and children shall discuss with at least one (1) foster parent of a child the foster parent's role regarding the following:

- (1) Rehabilitation of the child and the child's parents, guardians, and custodians.
- (2) Visitation arrangements.
- (3) Services required to meet the special needs of the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-15-6

Sec. 6. (a) This section applies whenever a child who was born out of wedlock is:

- (1) or is alleged to be a child in need of services; and
- (2) under the supervision of the division of family and children or a county office of family and children as a result of a court ordered out-of-home placement.

(b) The division of family and children or the county office of family and children shall refer a child's case to the local prosecuting attorney's office for the filing of a paternity action if the:

- (1) identity of the alleged father is known; and
- (2) division or the county office reasonably believes that establishing the paternity of the child would be beneficial to the child.

The local prosecuting attorney's office shall file a paternity action regarding each case that is referred under this subsection. The division of family and children or the county office of family and children shall sign the paternity petition as the child's next friend.

As added by P.L.103-1997, SEC.5.

IC 31-34-16

Chapter 16. Petition for Parental Participation

IC 31-34-16-1

Sec. 1. Any of the following may sign and file a petition for the juvenile court to require the participation of a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for a child.

- (1) The prosecuting attorney.
- (2) The attorney for the county office of family and children.
- (3) A probation officer.
- (4) A caseworker.
- (5) The department of correction.
- (6) The guardian ad litem or court appointed special advocate.

As added by P.L.1-1997, SEC.17.

IC 31-34-16-2

Sec. 2. A petition filed under section 1 of this chapter must be verified.

As added by P.L.1-1997, SEC.17.

IC 31-34-16-3

Sec. 3. A petition seeking participation of a parent, guardian, or custodian must be entitled "In the Matter of the Participation of _____ the Parent, Guardian, or Custodian of _____". The petition must allege the following:

- (1) That the respondent is the child's parent, guardian, or custodian.
- (2) That the child has been adjudicated a child in need of services.
- (3) That the parent, guardian, or custodian should:
 - (A) obtain assistance in fulfilling obligations as a parent, guardian, or custodian;
 - (B) provide specified care, treatment, or supervision for the child;
 - (C) work with a person providing care, treatment, or rehabilitation for the child; or
 - (D) refrain from direct or indirect contact with the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-16-4

Sec. 4. (a) The court may hold a hearing on a petition concurrently with a dispositional hearing or with a hearing to modify a dispositional decree.

(b) If the order concerns participation of a parent, the juvenile court shall advise the parent that failure to participate as required by an order issued under IC 31-34-20-3 (or IC 31-6-4-15.8 before its repeal) can lead to the termination of the parent-child relationship under IC 31-35.

(c) If the court finds that the allegations under section 3 of this chapter are true, the court shall enter a decree.

As added by P.L.1-1997, SEC.17.

IC 31-34-17

Chapter 17. Protective Orders

IC 31-34-17-1

Sec. 1. Any of the following may sign and file a petition for the juvenile court to require a person to refrain from direct or indirect contact with the child:

- (1) The prosecuting attorney.
- (2) The attorney for the county office of family and children.
- (3) A probation officer.
- (4) A caseworker.
- (5) The department of correction.
- (6) The guardian ad litem or court appointed special advocate.

As added by P.L.1-1997, SEC.17.

IC 31-34-17-2

Sec. 2. A petition filed under section 1 of this chapter must be verified.

As added by P.L.1-1997, SEC.17.

IC 31-34-17-3

Sec. 3. A petition seeking to refrain a person from contact must be entitled "In the Matter of a Protective Order for _____. The petition must allege the following:

- (1) That the respondent is likely to have direct or indirect contact with the child in the absence of an order under this chapter.
- (2) That the child has been adjudicated a child in need of services.
- (3) That the best interests of the child will be served if the person refrains from direct or indirect contact with the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-17-4

Sec. 4. (a) The court may hold a hearing on a petition concurrently with a dispositional hearing or with a hearing to modify a dispositional decree.

(b) If the court finds that the allegations under section 3 of this chapter are true, the court shall enter a decree.

As added by P.L.1-1997, SEC.17.

IC 31-34-17-5

Sec. 5. If a court enters a decree that requires a person to refrain from direct or indirect contact with a child, the clerk of the court shall comply with IC 5-2-9.

As added by P.L.1-1997, SEC.17.

IC 31-34-18

Chapter 18. Predispositional Report

IC 31-34-18-1

Sec. 1. (a) Upon finding that a child is a child in need of services, the juvenile court shall order a probation officer or a caseworker to prepare a predispositional report that contains a:

- (1) statement of the needs of the child for care, treatment, rehabilitation, or placement; and
- (2) recommendation for the care, treatment, rehabilitation, or placement of the child.

(b) Any of the following may prepare an alternative report for consideration by the court:

- (1) The child.
- (2) The child's:
 - (A) parent;
 - (B) guardian;
 - (C) guardian ad litem;
 - (D) court appointed special advocate; or
 - (E) custodian.

As added by P.L.1-1997, SEC.17. Amended by P.L.55-1997, SEC.14.

IC 31-34-18-1.1

Sec. 1.1. (a) The person preparing the report under section 1 of this chapter:

- (1) may; or
- (2) if directed by the court, shall;

confer with individuals who have expertise in professional areas related to the child's needs in the areas of appropriate care, treatment, rehabilitation, or placement for a child in need of services.

(b) A conference held under this section may include representatives of the following:

- (1) The child's school.
- (2) The probation department.
- (3) The county office of family and children.
- (4) A community mental health center located in the child's county of residence.
- (5) A community mental retardation and other developmental disabilities center located in the child's county of residence.
- (6) Other persons as the court may direct.

As added by P.L.55-1997, SEC.15.

IC 31-34-18-1.2

Sec. 1.2. If a child in need of services is known to be eligible for special education services or placement under IC 20-1-6 and 511 IAC 7, the conference described in section 1.1 of this chapter must include a representative from the child's school.

As added by P.L.55-1997, SEC.16.

IC 31-34-18-1.3

IC 31-34-18-1.3 Sec. 1.3. (a) The individuals participating in a meeting described in section 1.1 of this chapter shall assist the person preparing the report in recommending the care, treatment, rehabilitation, or placement of the child.

(b) The individuals shall inform the person preparing the report of resources and programs that are available for the child.

As added by P.L.55-1997, SEC.17.

IC 31-34-18-2

Sec. 2. (a) In addition to providing the court with a recommendation for the care, treatment, or rehabilitation of the child, the person preparing the report shall consider the necessity, nature, and extent of the participation by a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for the child.

(b) If a probation officer or caseworker believes that an out-of-home placement would be appropriate for a child in need of services, the probation officer or caseworker shall consider whether the child should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-18-3

Sec. 3. The probation officer or caseworker shall also prepare a financial report on the parent or the estate of the child to assist the juvenile court in determining the person's financial responsibility for services provided for the child or the person.

As added by P.L.1-1997, SEC.17.

IC 31-34-18-4

Sec. 4. If consistent with the safety and best interest of the child and the community, the person preparing the report shall recommend care, treatment, rehabilitation, or placement that:

(1) is:

(A) in the least restrictive (most family like) and most appropriate setting available; and

(B) close to the parents' home, consistent with the best interest and special needs of the child;

(2) least interferes with family autonomy;

(3) is least disruptive of family life;

(4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and

(5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

As added by P.L.1-1997, SEC.17. Amended by P.L.55-1997, SEC.18.

IC 31-34-18-5

Sec. 5. The juvenile court may do the following:

(1) Authorize any examination of the child under IC 31-32-12.

(2) Make provision for similar examination of the parent,

guardian, or custodian if the person gives consent.
As added by P.L.1-1997, SEC.17.

IC 31-34-18-6

Sec. 6. (a) Predispositional reports shall be made available within a reasonable time before the dispositional hearing, unless the juvenile court determines on the record that the reports contain information that should not be released to the child or the child's parent, guardian, or custodian.

(b) The court shall provide a copy of the report to:

- (1) each attorney, guardian ad litem, or court appointed special advocate representing the child; and
- (2) each attorney representing the child's parent, guardian, or custodian.

(c) The court may provide a factual summary of the report to:

- (1) the child; or
- (2) the child's parent, guardian, or custodian.

As added by P.L.1-1997, SEC.17. Amended by P.L.197-1997, SEC.27.

IC 31-34-18-6.1

Sec. 6.1. The predispositional report prepared by a probation officer or caseworker shall include the following information:

- (1) A description of all dispositional options considered in preparing the report.
- (2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation or placement recommended under the guidelines described in section 4 of this chapter.
- (3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

As added by P.L.55-1997, SEC.19.

IC 31-34-19

Chapter 19. Dispositional Hearing

IC 31-34-19-1

Sec. 1. The juvenile court shall hold a dispositional hearing to consider the following:

- (1) Alternatives for the care, treatment, rehabilitation, or placement of the child.
- (2) The necessity, nature, and extent of the participation by a parent, a guardian, or a custodian in the program of care, treatment, or rehabilitation for the child.
- (3) The financial responsibility of the parent or guardian of the estate for services provided for the parent or guardian or the child.

As added by P.L.1-1997, SEC.17. Amended by P.L.55-1997, SEC.20.

IC 31-34-19-1.1

Sec. 1.1. At a dispositional hearing under this chapter, the person that prepared the predispositional report:

- (1) must be present, if possible; and
- (2) if present, shall provide testimony when requested to explain how the individuals participating in the conference described in IC 31-34-18:

- (A) examined the available options; and
- (B) recommended the options that most closely coincide with the guidelines provided in IC 31-34-18-4.

As added by P.L.55-1997, SEC.21.

IC 31-34-19-2

Sec. 2. (a) Any predispositional report may be admitted into evidence to the extent that the report contains evidence of probative value even if the report would otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, or custodian, a factual summary of the report may be admitted.

(c) The:

- (1) child;
- (2) child's parent, guardian, or custodian; and
- (3) person representing the interests of the state;

shall be given a fair opportunity to controvert any part of the report admitted into evidence.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-3

Sec. 3. If it appears to the juvenile court that a child is mentally ill, the court may:

- (1) refer the matter to the court having probate jurisdiction for civil commitment proceedings under IC 12-26; or
- (2) initiate a civil commitment proceeding under IC 12-26.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-4

Sec. 4. If:

- (1) a child is referred to a probate court;
- (2) the juvenile court initiates a commitment proceeding; or
- (3) the court transfers a commitment proceeding under IC 12-26-1-4;

the juvenile court shall discharge the child or continue the court's proceedings under the juvenile law. However, if the child is under the custody or supervision of a county office of family and children, the juvenile court may not release the county office from the obligations of the county office to the child pending the outcome of the proceeding under IC 12-26.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-5

Sec. 5. If the court authorizes a child who is under the custody or supervision of a county office of family and children to be placed in a state institution (as defined in IC 12-7-2-184) for voluntary treatment in accordance with IC 12-26-3, the court may not release the county office from obligations of the county office to the child until a parent, guardian, or other responsible person approved by the court assumes the obligations.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-6

Sec. 6. If consistent with the safety of the community and the best interest of the child, the juvenile court shall enter a dispositional decree that:

- (1) is:
 - (A) in the least restrictive (most family like) and most appropriate setting available; and
 - (B) close to the parents' home, consistent with the best interest and special needs of the child;
- (2) least interferes with family autonomy;
- (3) is least disruptive of family life;
- (4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and
- (5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

As added by P.L.1-1997, SEC.17. Amended by P.L.55-1997, SEC.22.

IC 31-34-19-7

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Sec. 7. In addition to the factors under section 6 of this chapter, if the court enters a dispositional decree regarding a child in need of services that includes an out-of-home placement, the court shall consider whether the child should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-8

Sec. 8. The juvenile court shall send a copy of the dispositional report described in section 10 of this chapter to each person who receives placement or wardship of the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-9

Sec. 9. The juvenile court shall advise the child and the child's parent, guardian, or custodian of the procedures under IC 31-34-23.

As added by P.L.1-1997, SEC.17.

IC 31-34-19-10

Sec. 10. The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning the following:

- (1) The needs of the child for care, treatment, rehabilitation, or placement.
- (2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.
- (3) Efforts made, if the child is a child in need of services, to:
 - (A) prevent the child's removal from; or
 - (B) reunite the child with;the child's parent, guardian, or custodian in accordance with federal law.
- (4) Family services that were offered and provided to:
 - (A) a child in need of services; or
 - (B) the child's parent, guardian, or custodian;in accordance with federal law.
- (5) The court's reasons for the disposition.

As added by P.L.1-1997, SEC.17. Amended by P.L.55-1997, SEC.23.

IC 31-34-20

Chapter 20. Dispositional Decrees

IC 31-34-20-1

Sec. 1. If a child is a child in need of services, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the probation department or the county office of family and children.
- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship to a person or shelter care facility. Wardship under this subdivision does not include the right to consent to the child's adoption.
- (5) Partially or completely emancipate the child under section 6 of this chapter.
- (6) Order:
 - (A) the child; or
 - (B) the child's parent, guardian, or custodian;to receive family services.
- (7) Order a person who is a party to refrain from direct or indirect contact with the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-20-2

Sec. 2. If a court enters a dispositional decree under section 1(7) of this chapter:

- (1) the clerk of the court that enters a dispositional decree under section 1(7) of this chapter shall comply with IC 5-2-9; and
- (2) the petitioner shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

As added by P.L.1-1997, SEC.17.

IC 31-34-20-3

Sec. 3. If the juvenile court determines that a parent, guardian, or custodian should participate in a program of care, treatment, or rehabilitation for the child, the court may order the parent, guardian, or custodian to do the following:

- (1) Obtain assistance in fulfilling the obligations as a parent, guardian, or custodian.
- (2) Provide specified care, treatment, or supervision for the child.
- (3) Work with a person providing care, treatment, or rehabilitation for the child.
- (4) Participate in a program operated by or through the department of correction.

As added by P.L.1-1997, SEC.17.

IC 31-34-20-4

Sec. 4. (a) The clerk of the court that enters a dispositional decree under this chapter that requires a person to refrain from direct or indirect contact with a child shall provide a copy of the decree to the following:

- (1) Each party.
- (2) The sheriff.
- (3) The law enforcement agency of the municipality, if any, in which the child resides.

(b) Each sheriff and law enforcement agency that receives a decree under subsection (a) shall maintain a copy of the decree in the depository established by IC 5-2-9. The decree may be removed from the depository after the later of the following occurs:

- (1) The lapse of one (1) year after the decree is entered.
- (2) The date specified in the decree if any.

As added by P.L.1-1997, SEC.17.

IC 31-34-20-5

Sec. 5. (a) This section applies if a juvenile court:

- (1) places a child;
- (2) changes the placement of a child; or
- (3) reviews the implementation of a decree under IC 31-34-21 of a child placed;

in a state licensed private or public health care facility, child care facility, or foster family home.

(b) The juvenile court shall do the following:

- (1) Make findings of fact concerning the legal settlement of the child.
- (2) Apply IC 20-8.1-6.1-1(a)(1) through IC 20-8.1-6.1-1(a)(7) to determine where the child has legal settlement.
- (3) Include the findings of fact required by this section in:
 - (A) the dispositional order;
 - (B) the modification order; or
 - (C) the other decree;

making or changing the placement of the child.

(c) The juvenile court shall comply with the reporting requirements under IC 20-8.1-6.1-5.5 concerning the legal settlement of the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-20-6

Sec. 6. (a) The juvenile court may emancipate a child under section 1(5) of this chapter if the court finds that the child:

- (1) wishes to be free from parental control and protection and no longer needs that control and protection;
- (2) has sufficient money for the child's own support;
- (3) understands the consequences of being free from parental control and protection; and
- (4) has an acceptable plan for independent living.

(b) If the juvenile court partially or completely emancipates the

child, the court shall specify the terms of the emancipation, which may include the following:

- (1) Suspension of the parent's or guardian's duty to support the child. In this case the judgment of emancipation supersedes the support order of a court.
- (2) Suspension of the following:
 - (A) The parent's or guardian's right to the control or custody of the child.
 - (B) The parent's right to the child's earnings.
- (3) Empowering the child to consent to marriage.
- (4) Empowering the child to consent to military enlistment.
- (5) Empowering the child to consent to:
 - (A) medical;
 - (B) psychological;
 - (C) psychiatric;
 - (D) educational; or
 - (E) social;services.
- (6) Empowering the child to contract.
- (7) Empowering the child to own property.
- (c) An emancipated child remains subject to the following:
 - (1) IC 20-8.1-3 concerning compulsory school attendance.
 - (2) The continuing jurisdiction of the court.

As added by P.L.1-1997, SEC.17.

IC 31-34-21

Chapter 21. Review of Dispositional Decrees; Formal Review Hearings

IC 31-34-21-1

Sec. 1. (a) At any time after the date of an original dispositional decree, the juvenile court may order:

- (1) the county office of family and children; or
- (2) the probation department;

to file a report on the progress made in implementing the decree.

(b) If, after reviewing the report, the juvenile court seeks to consider modification of the dispositional decree, the juvenile court shall proceed under IC 31-34-23.

As added by P.L.1-1997, SEC.17.

IC 31-34-21-2

Sec. 2. (a) In accordance with federal law, the case of each child in need of services under the supervision of the county office of family and children must be reviewed at least once every six (6) months, or more often, if ordered by the court.

(b) The first of these periodic case reviews must occur:

- (1) at least six (6) months after the date of the child's removal from the child's parent, guardian, or custodian; or
- (2) at least six (6) months after the date of the dispositional decree;

whichever comes first.

(c) Each periodic case review must be conducted by the juvenile court in a formal court hearing.

As added by P.L.1-1997, SEC.17. Amended by P.L.35-1998, SEC.9.

IC 31-34-21-3

Sec. 3. Before a case review under section 2 of this chapter, the probation department or the county office of family and children shall prepare a report in accordance with IC 31-34-22 on the progress made in implementing the dispositional decree.

As added by P.L.1-1997, SEC.17.

IC 31-34-21-4

Sec. 4. (a) Except as provided in subsection (f), at least ten (10) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the county office of family and children shall send notice of the review to each of the following:

- (1) The child's parent, guardian, or custodian.
- (2) An attorney who has entered an appearance on behalf of the child's parent, guardian, or custodian.
- (3) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

(A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the county office of

family and children;

(B) the court having jurisdiction in the adoption case has determined under any applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or

(C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2 has been filed under IC 31-35 and is pending.

(4) Any other person who:

(A) the county office of family and children has knowledge is currently providing care for the child; and

(B) is not required to be licensed under IC 12-17.2 or IC 12-17.4 to provide care for the child.

(5) Any other suitable relative or person who the county office knows has had a significant or caretaking relationship to the child.

(b) At least ten (10) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the county office of family and children shall provide notice of the review to the child's foster parent by:

(1) certified mail; or

(2) face to face contact by the county office of family and children caseworker.

(c) The court shall provide to a person described in subsection (a) or (b) an opportunity to be heard and to make any recommendations to the court in a periodic case review, including a permanency hearing under section 7 of this chapter. The right to be heard and to make recommendations under this subsection includes the right of a person described in subsection (a) or (b) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsections (a) and (b), may be made a part of the court record.

(d) Except as provided in subsection (f), this section does not exempt the county office of family and children from sending a notice of the review to each party to the child in need of services proceeding.

(e) The court shall continue the review if, at the time of the review, the county office of family and children has not provided the court with signed verification from the child's foster parent, as obtained through subsection (b), that the foster parent has been notified of the review at least five (5) business days before the review. However, the court is not required to continue the review if the child's foster parent appears for the review.

(f) If the parent of an abandoned child does not disclose the parent's name as allowed by IC 31-34-2.5-1(c), the parent is not required to be notified of a proceeding described in subsection (a).

As added by P.L.1-1997, SEC.17. Amended by P.L.35-1998, SEC.10; P.L.133-2000, SEC.6; P.L.217-2001, SEC.9.

IC 31-34-21-4.5

Sec. 4.5. (a) Except as provided in subsection (b), a foster parent may petition the court to request intervention as a party to a proceeding

described in this chapter.

(b) A foster parent who has been:

(1) the subject of a substantiated report of child abuse or neglect;
or

(2) convicted of a felony listed in IC 12-17.4-4-11;

may not petition the court to intervene under this section.

(c) A court may grant a petition filed under this section if the court determines that intervention of the petitioner is in the best interests of the child.

As added by P.L.133-2000, SEC.7.

IC 31-34-21-5

Sec. 5. (a) The court shall determine:

(1) whether the child's case plan, services, and placement meet the special needs and best interests of the child;

(2) whether the county office of family and children has made reasonable efforts to provide family services; and

(3) a projected date for the child's return home, the child's adoption placement, the child's emancipation, or the appointment of a legal guardian for the child under section 7.5(1)(E) of this chapter.

(b) The determination of the court under subsection (a) must be based on findings written after consideration of the following:

(1) Whether the county office of family and children, the child, or the child's parent, guardian, or custodian has complied with the child's case plan.

(2) Written documentation containing descriptions of:

(A) the family services that have been offered or provided to the child or the child's parent, guardian, or custodian;

(B) the dates during which the family services were offered or provided; and

(C) the outcome arising from offering or providing the family services.

(3) The extent of the efforts made by the county office of family and children to offer and provide family services.

(4) The extent to which the parent, guardian, or custodian has enhanced the ability to fulfill parental obligations.

(5) The extent to which the parent, guardian, or custodian has visited the child, including the reasons for infrequent visitation.

(6) The extent to which the parent, guardian, or custodian has cooperated with the county office of family and children or probation department.

(7) The child's recovery from any injuries suffered before removal.

(8) Whether any additional services are required for the child or the child's parent, guardian, or custodian and, if so, the nature of those services.

(9) The extent to which the child has been rehabilitated.

(10) If the child is placed out-of-home, whether the child is in the least restrictive, most family-like setting, and whether the child is placed close to the home of the child's parent, guardian, or

custodian.

(11) The extent to which the causes for the child's out-of-home placement or supervision have been alleviated.

(12) Whether current placement or supervision by the county office of family and children should be continued.

(13) The extent to which the child's parent, guardian, or custodian has participated or has been given the opportunity to participate in case planning, periodic case reviews, dispositional reviews, placement of the child, and visitation.

(14) Whether the county office of family and children has made reasonable efforts to reunify or preserve a child's family unless reasonable efforts are not required under section 5.6 of this chapter.

(15) Whether it is an appropriate time to prepare or implement a permanency plan for the child under section 7.5 of this chapter.

As added by P.L.1-1997, SEC.17. Amended by P.L.35-1998, SEC.11.

IC 31-34-21-5.5

Sec. 5.5. (a) In determining the extent to which reasonable efforts to reunify or preserve a family are appropriate under this chapter, the child's health and safety are of paramount concern.

(b) Except as provided in section 5.6 of this chapter, a county office of family and children shall make reasonable efforts to preserve and reunify families as follows:

(1) If a child has not been removed from the child's home, to prevent or eliminate the need for removing the child from the child's home.

(2) If a child has been removed from the child's home, to make it possible for the child to return safely to the child's home as soon as possible.

As added by P.L.35-1998, SEC.12. Amended by P.L.1-1999, SEC.62.

IC 31-34-21-5.6

Sec. 5.6. (a) A court may make a finding described in this section at any phase of a child in need of services proceeding.

(b) Reasonable efforts to reunify a child with the child's parent, guardian, or custodian or preserve a child's family as described in section 5.5 of this chapter are not required if the court finds any of the following:

(1) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) an offense described in IC 31-35-3-4(1)(B) or IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a victim who is:

(i) a child described in IC 31-35-3-4(2); or

(ii) a parent of the child; or

(B) a comparable offense as described in clause (A) in any other state, territory, or country by a court of competent jurisdiction.

(2) A parent, guardian, or custodian of a child who is a child in need of services:

- (A) has been convicted of:
 - (i) the murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3) of a victim who is a child described in IC 31-35-3-4(2)(B) or a parent of the child; or
 - (ii) a comparable offense described in item (i) in any other state, territory, or country; or
- (B) has been convicted of:
 - (i) aiding, inducing, or causing another person;
 - (ii) attempting; or
 - (iii) conspiring with another person;
 to commit an offense described in clause (A).
- (3) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:
 - (A) battery (IC 35-42-2-1(a)(5)) as a Class A felony;
 - (B) battery (IC 35-42-2-1 (a)(4)) as a Class B felony;
 - (C) battery (IC 35-42-2-1(a)(3)) as a Class C felony;
 - (D) aggravated battery (IC 35-42-2-1.5);
 - (E) criminal recklessness (IC 35-42-2-2(c)) as a Class C felony;
 - (F) neglect of a dependent (IC 35-46-1-4) as a Class B felony;
 - or
 - (G) a comparable offense described in clauses (A) through (F) in another state, territory, or country;
 against a child described in IC 31-35-3-4(2)(B).
- (4) The parental rights of a parent with respect to a biological or adoptive sibling of a child who is a child in need of services have been involuntarily terminated by a court under:
 - (A) IC 31-35-2 (involuntary termination involving a delinquent child or a child in need of services);
 - (B) IC 31-35-3 (involuntary termination involving an individual convicted of a criminal offense); or
 - (C) any comparable law described in clause (A) or (B) in any other state, territory, or country.
- (5) The child is an abandoned infant, provided that the court:
 - (A) has appointed a guardian ad litem or court appointed special advocate for the child; and
 - (B) after receiving a written report and recommendation from the guardian ad litem or court appointed special advocate, and after a hearing, finds that reasonable efforts to locate the child's parents or reunify the child's family would not be in the best interests of the child.

As added by P.L.35-1998, SEC.13. Amended by P.L.197-1999, SEC.5; P.L.133-2000, SEC.8; P.L.222-2001, SEC.2; P.L.217-2001, SEC.10.

IC 31-34-21-5.7

Sec. 5.7. (a) This section applies at any phase of a child in need of services proceeding whenever a court enters a finding that reasonable efforts to reunify or preserve a child's family are not required under section 5.6 of this chapter.

- (b) The county office of family and children shall do the following:
 - (1) Complete a permanency plan for the child that complies with

the requirements of section 7.5 of this chapter.

(2) Seek court approval of the permanency plan under section 7 of this chapter.

(c) Notwithstanding any otherwise applicable requirements under IC 31-34, whenever the county office of family and children seeks approval of a permanency plan for the child under subsection (b), the following reports, orders, and hearings are not required:

(1) A predispositional report to consider participation of a child's parent, guardian, or custodian in any program of care, treatment, or rehabilitation of the child.

(2) A dispositional decree under IC 31-34-19-6 and findings and conclusions under IC 31-34-19-10 that concern:

(A) participation of the child's parent, guardian, or custodian in a program for future care or treatment of the child; or

(B) reasonable efforts to prevent the child's removal from the child's home or to reunite the child with the child's parent, guardian, or custodian.

As added by P.L.35-1998, SEC.14.

IC 31-34-21-5.8

Sec. 5.8. (a) This section applies only if a court has approved a permanency plan for a child under section 7(b)(4) of this chapter.

(b) If the continuation of reasonable efforts to preserve and reunify a child in need of services with the child's family is inconsistent with the child's permanency plan, the county office of family and children shall make reasonable efforts to:

(1) with court approval place the child in an out-of-home placement in accordance with the permanency plan; and

(2) complete whatever steps are necessary to finalize the permanent placement of the child in a timely manner.

(c) This subsection applies whenever the child's approved permanency plan under section 7 of this chapter is placement of the child for adoption or another planned, permanent living arrangement. Periodic progress reports, case reviews, and postdispositional hearings to determine whether or the extent to which the following have occurred are not required:

(1) Whether reasonable efforts have been made to eliminate the need for removal of the child from the child's home or to make it possible for the child to safely return to the child's home.

(2) Whether the child is placed in close proximity to the home of the child's parent, guardian, or custodian.

As added by P.L.35-1998, SEC.15.

IC 31-34-21-6

(Repealed by P.L.35-1998, SEC.28.)

IC 31-34-21-7

Sec. 7. (a) The court shall hold a permanency hearing:

(1) not more than thirty (30) days after a court finds that reasonable efforts to reunify or preserve a child's family are not required as described in section 5.6 of this chapter;

- (2) every twelve (12) months after:
 - (A) the date of the original dispositional decree; or
 - (B) a child in need of services was removed from the child's parent, guardian, or custodian;
 whichever comes first; or
- (3) more often if ordered by the juvenile court.
- (b) The court shall:
 - (1) make the determination and findings required by section 5 of this chapter;
 - (2) consider the question of continued jurisdiction and whether the dispositional decree should be modified;
 - (3) consider recommendations of persons listed under section 4 of this chapter, before approving a permanency plan under subdivision (4);
 - (4) consider and approve a permanency plan for the child that complies with the requirements set forth in section 7.5 of this chapter;
 - (5) determine whether an existing permanency plan must be modified; and
 - (6) examine procedural safeguards used by the county office of family and children to protect parental rights.

(c) There is a rebuttable presumption that jurisdiction over the child in a child in need of services proceeding continues for not longer than twelve (12) months after the date of the original dispositional decree or twelve (12) months after the child in need of services was removed from the child's parent, guardian, or custodian, whichever occurs first. The state may rebut the presumption and show that jurisdiction should continue by proving that the objectives of the dispositional decree have not been accomplished, that a continuation of the decree with or without any modifications is necessary, and that it is in the child's best interests for the court to maintain its jurisdiction over the child. If the county office of family and children does not sustain its burden for continued jurisdiction, the court shall:

- (1) direct the county office of family and children to establish a permanency plan within thirty (30) days; or
- (2) discharge the child and the child's parent, guardian, or custodian.

The court may retain jurisdiction to the extent necessary to carry out any orders under subdivision (1).

As added by P.L.1-1997, SEC.17. Amended by P.L.35-1998, SEC.16; P.L.1-1999, SEC.63; P.L.14-2000, SEC.64.

IC 31-34-21-7.3

Sec. 7.3. (a) This section applies after:

- (1) a court authorizes the filing of a petition to terminate the parent-child relationship; or
 - (2) a petition to terminate the parent-child relationship is filed;
- in relation to a child in need of services.

(b) The division shall post the following nonidentifying information on the Internet to facilitate a potential adoptive placement of the child:

- (1) The child's age, gender, and summary of the child's

educational, social, and medical background, including known disabilities.

(2) The reason the child was removed from the child's home.

(3) Whether a person has expressed an interest in adopting the child.

(4) The name, address, and telephone number of a contact person from the appropriate:

(A) county office of family and children; or

(B) licensed child placing agency;

where a person who may be interested in adopting the child may obtain further information about adopting the child.

(5) Whether a petition to terminate the rights of the child's parents has been authorized or filed, and whether the rights of the child's parents have been terminated.

(6) An address and telephone number of the appropriate:

(A) county office of family and children; or

(B) licensed child placing agency;

where a person who may be interested in adopting the child may obtain further information about adopting the child.

(c) The information posted under subsection (a) may not identify the name of any of the following persons:

(1) The child.

(2) The child's biological or adoptive parents.

(3) A sibling of the child.

(4) A caretaker of the child.

(d) The division shall update any relevant information under this section after either of the following:

(1) Each of the child's periodic reviews that occur after the information under this section is required to be posted.

(2) The rights of the child's parents have been terminated.

(e) The division shall remove the information required under subsections (b) and (c) from the Internet whenever the child is reunited with the child's family or an adoption of the child is filed under IC 31-19-2.

(f) Upon request, a county office of family and children shall inform the person making the request of the address of the Internet Web site containing the information described in this section.

As added by P.L.35-1998, SEC.17.

IC 31-34-21-7.5

Sec. 7.5. A permanency plan under this chapter includes the following:

(1) The intended permanent or long term arrangements for care and custody of the child that may include any of the following arrangements that the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.

(B) Initiation of a proceeding by the agency or appropriate person for termination of the parent-child relationship under

IC 31-35.

(C) Placement of the child for adoption.

(D) Placement of the child with a responsible person, including:

- (i) an adult sibling;
- (ii) a grandparent;
- (iii) an aunt;
- (iv) an uncle; or
- (v) other relative;

who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.

(E) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child:

- (i) Care, custody, and control of the child.
- (ii) Decision making concerning the child's upbringing.

(F) Placement of the child in another planned, permanent living arrangement.

(2) A time schedule for implementing the applicable provisions of the permanency plan.

(3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.

(4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.

As added by P.L.35-1998, SEC.18.

IC 31-34-21-7.7

Sec. 7.7. If the juvenile court approves a permanency plan under section 7 of this chapter that provides for the appointment of a guardian for a child, the juvenile court may appoint a guardian of the person and administer a guardianship for the child under IC 29-3. If a guardianship of the person proceeding for the child is pending in a probate court, the probate court shall transfer the proceeding to the juvenile court.

As added by P.L.217-2001, SEC.11.

IC 31-34-21-8

Sec. 8. Before a hearing under section 7 of this chapter, the probation department or the county office of family and children shall prepare a report in accordance with IC 31-34-22 on the progress made in implementing the dispositional decree.

As added by P.L.1-1997, SEC.17.

IC 31-34-21-9

Sec. 9. (a) The juvenile court may assign cases to a foster care review board established by the court to assist the court in reviewing

foster care placements.

(b) The foster care review board shall review a foster care placement at the juvenile court's request and shall file a report, including findings and recommendations with the court.

(c) If the juvenile court believes the contents of a confidential report or document would benefit the review board, the court may provide the review board with an order authorizing disclosure of the document to the review board. The review board may not disclose the contents of a confidential report or document to any person who is not allowed disclosure by the court or by statute.

As added by P.L.1-1997, SEC.17.

IC 31-34-21-10

Sec. 10. (a) This section applies when a juvenile court reviews the implementation of a decree under this chapter or any other law concerning a child placed in a state licensed private or public health care facility, child care facility, or foster family home.

(b) The juvenile court shall review the court's findings under IC 31-34-20-5 and determine whether circumstances have changed the legal settlement of the child.

(c) If the child's legal settlement has changed, the court shall issue an order that modifies the court's findings of fact concerning the legal settlement of the child.

(d) If the court has not previously made findings of fact concerning legal settlement as provided in IC 31-34-20-5, the court shall make the appropriate findings in its order entered under this chapter.

(e) The juvenile court shall comply with the reporting requirements under IC 20-8.1-6.1-5.5 concerning the legal settlement of the child.

As added by P.L.1-1997, SEC.17.

IC 31-34-21-11

Sec. 11. When the juvenile court finds that the objectives of the dispositional decree have been met, the court shall discharge the child and the child's parent, guardian, or custodian.

As added by P.L.1-1997, SEC.17.

IC 31-34-22

Chapter 22. Reports Required for Reviewing Dispositional Decrees

IC 31-34-22-1

Sec. 1. (a) Before a case review under IC 31-34-21-2 or hearing under IC 31-34-21-7, the probation department or the county office of family and children shall prepare a report on the progress made in implementing the dispositional decree, including the progress made in rehabilitating the child, preventing placement out-of-home, or reuniting the family.

(b) Before preparing the report required by subsection (a), the probation department or the county office of family and children shall consult a foster parent of the child about the child's progress made while in the foster parent's care.

(c) If modification of the dispositional decree is recommended, the probation department or the county office of family and children shall prepare a modification report containing the information required by IC 31-34-18 and request a formal court hearing.

As added by P.L.1-1997, SEC.17.

IC 31-34-22-2

Sec. 2. (a) Except as provided in subsection (b), a report prepared by the state:

- (1) for the juvenile court's review of the court's dispositional decree; or
- (2) prepared for use at a periodic case review under IC 31-34-21-2 or hearing under IC 31-34-21-7;

shall be made available to the child and the child's parent, guardian, guardian ad litem, or custodian within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to the child or the child's parent, guardian, or custodian, the court shall provide a copy of the report to the following:

- (1) Each attorney or guardian ad litem representing the child.
- (2) Each attorney representing the child's parent, guardian, or custodian.
- (3) Each court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, guardian, or custodian.

(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.

As added by P.L.1-1997, SEC.17.

IC 31-34-22-3

Sec. 3. (a) Any report may be admitted into evidence to the extent that the report contains evidence of probative value even if the evidence would otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, or custodian, a factual summary of the report may be admitted.

(c) The:

(1) child;

(2) child's parent, guardian, or custodian; and

(3) person representing the interests of the state;

shall be given a fair opportunity to controvert any part of the report admitted into evidence.

As added by P.L.1-1997, SEC.17.

IC 31-34-23

Chapter 23. Modification of Dispositional Decrees

IC 31-34-23-1

Sec. 1. While the juvenile court retains jurisdiction under IC 31-30-2, the juvenile court may modify any dispositional decree:

- (1) upon the juvenile court's own motion;
- (2) upon the motion of:
 - (A) the child;
 - (B) the child's parent, guardian, custodian, or guardian ad litem;
 - (C) the probation officer;
 - (D) the caseworker;
 - (E) the prosecuting attorney; or
 - (F) the attorney for the county office of family and children; or
- (3) upon the motion of any person providing services to the child or to the child's parent, guardian, or custodian under a decree of the court.

As added by P.L.1-1997, SEC.17.

IC 31-34-23-2

Sec. 2. If a child has been in the custody of the department of correction under the juvenile court's original dispositional decree, the juvenile court may not award guardianship of the child back to the department unless the juvenile court holds a hearing and finds that the child violated a modified dispositional decree.

As added by P.L.1-1997, SEC.17.

IC 31-34-23-3

Sec. 3. (a) If the petitioner requests an emergency change in the child's residence, the court may issue a temporary order. However, the court shall then give notice to the persons affected and shall hold a hearing on the question if requested.

(b) If the petition requests any other modification, the court shall give notice to the persons affected and may hold a hearing on the question.

As added by P.L.1-1997, SEC.17.

IC 31-34-23-4

Sec. 4. If a hearing is required, IC 31-34-18 governs the preparation and use of a modification report. The report shall be prepared if the state or any person other than the child or the child's parent, guardian, guardian ad litem, or custodian is requesting the modification.

As added by P.L.1-1997, SEC.17.

IC 31-34-24

Chapter 24. Plan Coordination

IC 31-34-24-1

Sec. 1. As used in this chapter, "plan" means a community services plan for early intervention services to achieve the purposes described in section 3 of this chapter.

As added by P.L.55-1997, SEC.24.

IC 31-34-24-2

Sec. 2. As used in this chapter, "team" means:

- (1) an early intervention plan team appointed as provided in section 4 of this chapter; or
- (2) an existing organization described in section 5 of this chapter.

As added by P.L.55-1997, SEC.24.

IC 31-34-24-3

Sec. 3. Each county shall develop a community services plan for early intervention that is tailored to provide services targeted to the individual needs of children who:

- (1) have been either:

(A) adjudicated as, or alleged in a proceeding initiated under this article to be, children in need of services; or

(B) identified by the county office, based on information received from:

- (i) a school;
- (ii) a social service agency;
- (iii) a court;
- (iv) a probation department;
- (v) the child's parent or guardian; or
- (vi) an interested person in the community having knowledge of the child's environment and family circumstances;

and, after an informal investigation, as substantially at risk of becoming children in need of services; and

- (2) have been referred to the county office by, or with the consent of, the child's parent, guardian, or custodian, for services to be provided through the plan based on an individual case plan for the child.

As added by P.L.55-1997, SEC.24.

IC 31-34-24-4

Sec. 4. (a) Before March 1, 1998, each county shall establish a team to develop a plan as described in this chapter.

(b) The team is composed of the following members, each of whom serves at the pleasure of the member's appointing authority:

- (1) Two (2) members appointed by the judge or judges of the juvenile court, one (1) of whom is a representative of the probation department.

- (2) Two (2) members appointed by the director of the county office as follows:

- (A) One (1) is a member of the child welfare staff of the county office.
- (B) One (1) is either:
 - (i) an interested resident of the county; or
 - (ii) a representative of a social service agency; who knows of child welfare needs and services available to residents of the county.
- (3) One (1) member appointed by the superintendent of the largest school corporation in the county.
- (4) If:
 - (A) two (2) school corporations are located within the county, one (1) member appointed by the superintendent of the second largest school corporation in the county; or
 - (B) more than two (2) school corporations are located within the county, one (1) member appointed by the county fiscal body as a representative of school corporations other than the largest school corporation in the county.
- (5) One (1) member appointed by the county fiscal body.
- (6) One (1) member representing the community mental health center (as defined under IC 12-7-2-38) serving the county, appointed by the director of the community mental health center. However, if more than one (1) community mental health center serves the county, the member shall be appointed by the county fiscal body.
- (7) One (1) or more additional members appointed by the chairperson of the team, from among interested or knowledgeable residents of the community or representatives of agencies providing social services to or for children in the county.

As added by P.L.55-1997, SEC.24.

IC 31-34-24-5

Sec. 5. If a county has in existence a committee, council, or other organized group that includes representatives of all of the appointing authorities described in section 4 of this chapter, the county director may elect to designate that existing organization as the county's team for purposes of this chapter.

As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.98.

IC 31-34-24-6

Sec. 6. (a) The county director shall convene an organizational meeting of the members of the team appointed under section 4 of this chapter.

(b) The county director shall serve as the chairperson of the team. The team shall select one (1) of its members as vice chairperson.

As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.99.

IC 31-34-24-7

Sec. 7. Before January 1 of each year, the team shall prepare and submit to the judges having juvenile jurisdiction in the county the team's plan for review and comment. The judge shall submit any comments to the chairperson not more than fifteen (15) calendar days

after receiving the plan. The team shall before January 25 of each year transmit a copy of the plan, including any comments from the judges, to:

- (1) the director; and
- (2) the state superintendent of public instruction.

As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.100.

IC 31-34-24-8

Sec. 8. In preparing the plan, the team shall review and consider existing publicly and privately funded programs that are available or that could be made available in the county to provide supportive services to or for the benefit of children described in section 3 of this chapter without removing the child from the family home, including programs funded through the following:

- (1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).
- (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).
- (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).
- (4) The Child Abuse Prevention and Treatment Act (42 U.S.C. 5106 et seq.).
- (5) Community corrections programs under IC 11-12.
- (6) Special education programs under IC 20-1-6-19.
- (7) All programs designed to prevent child abuse, neglect, or delinquency, or to enhance child welfare and family preservation administered by, or through funding provided by, the division of family and children, county offices, prosecutors, or juvenile courts, including programs funded under IC 12-19-7 and IC 31-40.
- (8) Probation user's fees under IC 31-40-2-1.
- (9) Child advocacy fund under IC 12-17-17.

As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.101.

IC 31-34-24-9

Sec. 9. The objectives of the plan include the following:

- (1) Promoting the welfare of children and self sufficiency of families with children at risk of abuse or neglect, dependency, or delinquency, as defined or described in this chapter.
- (2) Preventing or reducing the number of cases of child abuse, delinquency, or neglect that may require juvenile court intervention.
- (3) Coordinating available resources to promote efficiency and avoid duplication of programs and services.
- (4) Reducing or minimizing the cost of providing services to children and families with children who are or may become children in need of services.
- (5) Reducing or eliminating to the extent possible the need to remove children from their parents, guardians, or custodians for foster home care or institutional placement.

As added by P.L.55-1997, SEC.24.

IC 31-34-24-10

Sec. 10. The team may adopt as its plan an existing plan for provision of family preservation services, as defined in IC 12-7-2-82.3, that:

- (1) is in effect in the county;
- (2) includes services for a child less than eighteen (18) years of age who reasonably may be expected to face out of home placement under IC 31-34 or IC 31-37 as a result of:
 - (A) dependency, abuse, or neglect;
 - (B) emotional disturbance; or
 - (C) delinquency adjudication; and
- (3) addresses all of the objectives described in this section.

As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.102.

IC 31-34-24-11

Sec. 11. The director or the state superintendent of public instruction may, not later than thirty (30) days after receiving the plan, transmit to the team and the county fiscal body any comments, including recommendations for modification of the plan, that the director or the state superintendent of public instruction considers appropriate.

As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.103.

IC 31-34-24-12

Sec. 12. Not later than sixty (60) days after receiving the plan, the county fiscal body shall do one (1) of the following:

- (1) Approve the plan as submitted by the team.
- (2) Approve the plan with amendments, modifications, or revisions adopted by the county fiscal body.
- (3) Return the plan to the team with directions concerning:
 - (A) subjects for further study and reconsideration; and
 - (B) resubmission of a revised plan.

As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.104.

IC 31-34-24-13

Sec. 13. (a) Upon receiving the initial plan and each revised or updated plan, the county fiscal body shall consider the plan in developing the family and children's fund budget.

(b) The county fiscal body may appropriate from the family and children's fund any amounts necessary to provide funding to implement the plan.

As added by P.L.55-1997, SEC.24.

IC 31-34-24-14

IC 31-34-24-14 Sec. 14. (a) The team shall meet at least one (1) time each year to do the following:

- (1) Develop, review, or revise a strategy that identifies:

- (A) the manner in which prevention and early intervention services will be provided or improved;
 - (B) how local collaboration will improve children's services;
 - and
 - (C) how different funds can be used to serve children and families more effectively.
- (2) Reorganize as needed and select its vice chairperson for the ensuing year.
 - (3) Review the implementation of the plan and prepare revisions, additions, or updates of the plan that the team considers necessary or appropriate to improve the quality and efficiency of early intervention child welfare services provided in accordance with the plan.
 - (4) Prepare and submit to the county fiscal body a report on the operations of the plan during the preceding year and a revised and updated plan for the ensuing year.
- (b) The chairperson or vice chairperson of the team or the county fiscal body may convene any additional meetings of the team that are, in the chairperson's or vice chairperson's opinion, necessary or appropriate.
- As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.105.*

IC 31-34-24-15

Sec. 15. The team or the county fiscal body shall transmit copies of the plan, each annual report, and each revised plan to the following:

- (1) The director.
- (2) The state superintendent of public instruction.
- (3) The county office.
- (4) The juvenile court.
- (5) The superintendent of each public school corporation in the county.
- (6) The local step ahead council.
- (7) Any public or private agency that:
 - (A) provides services to families and children in the county that requests information about the plan; or
 - (B) the team has identified as a provider of services relevant to the plan.

As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999, SEC.106.

IC 31-34-24-16

Sec. 16. The team or the county fiscal body shall publicize to residents of the county the existence and availability of the plan.

As added by P.L.55-1997, SEC.24.

IC 31-34-24-17

Sec. 17. Two (2) or more contiguous counties may, by agreement of the counties' county directors, establish a joint team and adopt a single multicounty plan for the purposes described in this chapter.

As added by P.L.55-1997, SEC.24. Amended by P.L.273-1999,

SEC.107.

IC 31-34-24-18

Sec. 18. The:

- (1) juvenile court, in implementing a program of informal adjustment for a child under IC 31-34-8; and
- (2) local child protection service, in proposing a voluntary services referral agreement for the benefit of a child under IC 31-33-13;

shall consider and use to the extent feasible any available services described in an early intervention plan approved under this chapter.

As added by P.L.55-1997, SEC.24.

IC 31-34-24-19

(Repealed by P.L.273-1999, SEC.124.)